

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LYDIAN PRIVATE BANK,
d/b/a VIRTUALBANK,

Plaintiff,

-against-

STEVEN M. LEFF, RICHARD A. LEFF,
RACHEL M. LEFF, and NATIONAL
SETTLEMENT AGENCY, INC.,

Defendants.

Case No.: 07 Civ. 8173 (LTS)(MHD)

ECF Case

**AFFIDAVIT FOR
CERTIFICATE OF DEFAULT**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Dana B. Zimmerman, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and associated with the firm of Miller & Wrubel P.C., attorneys for plaintiff in the above-entitled action.

2. I make this affidavit pursuant to Rule 55.1 of the Local Civil Rules for the Southern District of New York, in support of plaintiff's application for a certificate of default.

3. This action was commenced on September 18, 2007 by the filing of the summons and complaint. A copy of the summons and complaint was served on:

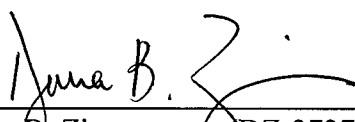
(a) defendant National Settlement Agency, Inc. ("NSA") on September 19, 2007 by: (i) personal service on Mary Beth Huyck, an agent of the Secretary of State, of the State of New York, in accordance with New York Business Corporation Law § 306(b) and proof of such service thereof was filed on

September 25, 2007; and (ii) first class mail on defendant NSA, pursuant to Fed.R.Civ.P. 4(h)(1) and New York Civil Practice Law and Rules § 3215(g)(4); and

(b) defendant Steven M. Leff on September 19, 2007 by service upon Michael L. Soshnick, attorney for defendant Steven M. Leff, who agreed to accept service on defendant Steven M. Leff's behalf, and proof of such service thereof was filed on September 28, 2007.

4. Defendants NSA and Steven M. Leff have not answered the complaint and the time for defendants NSA and Steven M. Leff to answer the complaint has expired.

WHEREFORE, plaintiff requests the entry of Default against defendants NSA and Steven M. Leff.


Dana B. Zimmerman (DZ-3737)

Sworn to before me this
13th day of November 2007


Notary Public

